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3 .UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 JAMES O'NEIL WIGGIN,
7 Plaintiff,

8 v.

9 SCHNEIDER, MATTHEWS, JANE DOE
10 SERGEANT, DEPARTMENT OF
11 CORRECTIONS,
12 Defendants.

CASE NO. C13-5884 RJB-KLS

ORDER DENYING DEFENDANTS'
MOTION TO STAY DISCOVERY

13 Defendants move the Court for an order staying all discovery pending resolution of their
14 motion to dismiss, which is currently noted for January 31, 2014 (Dkt. 22). Dkt. 24. Plaintiff
15 opposes the stay and moves to amend his complaint. Dkts. 25, 29. Under separate Report and
16 Recommendation, the undersigned is recommending that Defendants' motion to dismiss be
17 denied.

18 **DISCUSSION**

19 The court has broad discretionary powers to control discovery. *Little v. City of Seattle*,
20 863 F.2d 681, 685 (9th Cir.1988). Upon showing of good cause, the court may deny or limit
21 discovery. Fed.R.Civ.P. 26(c). A court may relieve a party of the burdens of discovery while a
22 dispositive motion is pending. *DiMartini v. Ferrin*, 889 F.2d 922 (9th Cir.1989), *amended at*
23 906 F.2d 465 (9th Cir.1990) *Rae v. Union Bank*, 725 F.2d 478 (9th Cir.1984). When
24 government officials raise the issue of qualified immunity, discovery should not proceed until
this threshold issue is resolved by the court. *Harlow v. Fitzgerald*, 457 U.S. 800, 818, 102 S.Ct.

1 2727, 2738, 73 L.Ed.2d 396 (1982); *Anderson v. Creighton*, 483 U.S. 635 646, 107 S.Ct. 3034,
2 97 L.Ed.2d 523 n .6, 483 U.S. 635, 107 S.Ct. 3034, 3042 n. 6, 97 L.Ed.2d 523 (1987), *DiMartini*
3 *v. Ferrin*, *supra*, 889 F.2d at 926. The *Harlow* qualified immunity standard is meant to protect
4 public officials from the broad-ranging discovery that can be peculiarly disruptive of effective
5 government. *Harlow*, 457 U.S.at 817.

6 While discovery would normally be stayed pending a ruling of qualified immunity, the
7 Court is not inclined to do so here where Plaintiff's claim is for the violation of clearly
8 established law.

9 Accordingly, it is **ORDERED**:

- 10 1) Defendants' motion to stay discovery (Dkt. 24) is **denied**.
11 2) The Clerk shall provide copies of this Order to Plaintiff and to counsel for
12 Defendants.

13 **DATED** this 5th day of February, 2014.

14
15 
16 Karen L. Strombom
United States Magistrate Judge